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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,974	08/28/2001	Wayne Lewis Dickerson JR.	END920010076US1	6358
45092 7590 08/11/2009 HOFFMAN WARNICK LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207				
EXAMINER BAYAT, BRADLEY B				
ART UNIT 3624		PAPER NUMBER		
NOTIFICATION DATE 08/11/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.	Applicant(s)	
09/940,974	DICKERSON, WAYNE LEWIS	
Examiner	Art Unit	
Bradley B. Bayat	3624	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The reply filed 04 August 2009 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The reply filed on or after the date of filing an appeal brief and after a final decision by the Board of Patent Appeals and Interferences, will not be entered because it does not put the claim in condition for allowance nor does it resolve any outstanding issues.

/Bradley B Bayat/  
Supervisory Patent Examiner, Art Unit 3624